

REMARKS

In the July 30, 2004 Office Action, the specification was objected to and claims 16 and 21-36 stand rejected due to double patenting, while claims 17-20 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the July 30, 2004 Office Action, Applicants have amended the specification and claims 16-28, 30-31, 33, and 35-36 as indicated above. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 16-35 are pending, with claims 16, 22, 24, 30, and 35-36 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Specification

In paragraph 2 of the Office Action, the specification was objected to for possible minor errors. Applicants have amended the specification to correct the errors. Although Applicants appreciate the helpful suggestions offered in the Office Action, Applicants believe that the suggested amendment to the specification on page 1, line 11 would render the sentence grammatically incorrect, and the amendments on page 1, lines 5-6 and 16 are unnecessary.

Applicants believe that the specification is now correct and complies with 37 CFR §1.71 and 37 CFR §1.75(d)(1). Withdrawal of the objections is respectfully requested.

Rejections – Judicially Created Double Patenting Rejection

In paragraphs 3-6 of the Office Action, claims 16, 21 and 30-36 stand rejected as being unpatentable under the judicially created double patenting by claims 1, 9, 12, and 13 of U.S. Patent No. 6,629,060 to Okuno et al. ("Okuno patent"). Claims 24-26, 28, 33, and 34 stand rejected as being unpatentable by claims 1, 9, 12, and 13 of the Okuno patent in view of U.S. Patent No. 6,110,214 to Klimasauskas. Claims 24-26, 28, 33, and 34 stand rejected as being unpatentable by claims 1, 9, 12, and 13 of the Okuno patent in view of Gabriel Colef, *New In-Situ Calibration of Diode Detectors Used in Six-Port Network Analyzers*, IEEE TRANSACTION ON INSTRUMENTATION AND MEASUREMENT, vol. 39, No. 1, 201-204 (1990). In

response, Applicants have filed herewith a terminal disclaimer in accordance with 37 C.F.R. 1.321(c), together with a certificate under 37 C.F.R. 3.73(b). Accordingly, Applicants believe that the judicially created double patenting has been obviated per 37 C.F.R. 1.130(b). Withdrawal of this rejection is respectfully requested.

Rejections - 35 U.S.C. § 101

In paragraphs 7-8 of the Office Action, claims 22-23 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 12 and 14 of the Okuno patent.

In response, Applicants have amended claims 22-23 as set forth above. Thus, claims 22-23 are no longer coextensive with claims 12 and 14 of the Okuno patent. Accordingly, withdrawal of the statutory double patenting rejection under 35 U.S.C. 101 is respectfully requested.

Furthermore, since Applicants are filing herewith a terminal disclaimer in accordance with 37 C.F.R. 1.321(c), Applicants believe that judicially created double patenting rejection will not be applicable to claims 22 and 23 as now amended.

Allowable Subject Matter

In paragraph 9 of the Office Action, claims 17-20 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. After this Amendment, claims 17-20 remain dependent on claims 16. Since Applicants believe that claim 16 is in condition for allowance, Applicants also believe that claims 17-20 remain allowable over the prior art of record.

Prior Art Citation


In the Office Action, additional prior art references were made of record. Applicants believe that these references do not anticipate or render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 16-36 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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Respectfully submitted,


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